

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ENCISO RODRIGO ACEVES §
VS. § CIVIL ACTION NO. 1:02cv817
UNIT COUNSELOR SWANSON §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE's REPORT AND RECOMMENDATION

Plaintiff Enciso Rodrigo Aceves, an inmate at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this *Bivens*-type action against Unit Counselor Swanson.¹

The court heretofore referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed for want of prosecution pursuant to FED. R. Civ. P. 41(b).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate

¹ See *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** this **12** day of **July, 2005**.



Ron Clark, United States District Judge